

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

IN RE: **ALEJANDRO GUZMAN SAMANO**
MARISOL NMN SAMANO

#12-31581
Chapter 13

Debtors.

MOTION BY CHAPTER 13 TRUSTEE FOR RETURN OF UNCLAIMED FUNDS

Comes the Chapter 13 Trustee and would show to the Court the following:

1. The debtor(s) filed Chapter 13 Bankruptcy on April 11, 2012
2. The plan was confirmed on May 24, 2012.
3. The debtors' mortgage creditor (Seterus, Inc.) did not file a timely claim, so the debtor's attorney filed a claim on behalf of the mortgage (court claim #014) on September 24, 2012.
4. In August 2014, the Trustee checks paid to Seterus, Inc. were returned by the post office as undeliverable. Pursuant to office procedures, a hold was place on the mortgage and mortgage arrearage claims. The Trustee notified the creditor and attorney that an address change needed to be filed in order for payments to resume to the creditor.
5. As of November 2014, no amended claimed had been filed. Pursuant to office procedures, the Trustee coded the mortgage and mortgage arrearage claims to pay future funds to the clerk of the court as unclaimed funds.
6. The Trustee paid a total of \$10,478.29 to unclaimed funds (\$9,428.28 to unclaimed funds on the continuing mortgage claim and \$1,050.01 to unclaimed funds on the arrearage claim). See attached payment schedules.
7. An amended Proof of Claim was filed on February 3, 2015 by the debtor's attorney changing the creditor's payment address. The Trustee has remitted funds to this new address and the funds have been cashed.
8. The Trustee now has a correct address for the mortgage creditor.

Based on the foregoing, the Chapter 13 Trustee requests return of \$10,478.29 previously remitted to unclaimed funds. The Trustee requests the Clerk of the Court to

refund \$10,478.29 to the Chapter 13 Trustee in order for the funds to be paid to the creditor, pursuant to the confirmed plan.

Respectfully submitted,

/s/ Gwendolyn Kerney (w/perm mgb)
GWENDOLYN M. KERNEY, #07280
Chapter 13 Trustee
P.O. Box 228
Knoxville, TN. 37901
(865) 524-4995

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing **Motion and Order** have been served by first class, US Mail or by electronic filing to the following:

Alejandro & Marisol Samano
345 Grandview Drive
Lenoir City, TN 37772

Zachary S. Burroughs
Clark & Washington, LLC
408 S. Northshore Drive
Knoxville, TN 37919

Seterus, Inc.
PO Box 2008
Grand Rapids, MI 49501-2008

United States Trustee
800 Market Street, Suite 114
Knoxville, TN. 37902

This 6th day of April, 2015

/s/ Gwendolyn Kerney (w/perm mgb)
GWENDOLYN M. KERNEY, #07280
Chapter 13 Trustee
PO Box 228
Knoxville, TN. 37901
(865) 524-4995